

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

House Engrossed  
**FILED**  
**JANICE K. BREWER**  
**SECRETARY OF STATE**

CHAPTER 105

# **HOUSE BILL 2440**

AN ACT

AMENDING SECTIONS 48-3041 AND 48-3043, ARIZONA REVISED STATUTES; RELATING TO  
IRRIGATION DISTRICT ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-3041, Arizona Revised Statutes, is amended to  
3 read:

4 48-3041. Adoption of acreage system of voting

5 A. Instead of the personal and individual system of district voting as  
6 provided by article 4 of this chapter, the bona fide landowners of a district  
7 who reside in the state may petition the board of directors of the district  
8 to adopt an acreage system of voting within the district. The petition shall  
9 be dated and signed personally by bona fide record landowners residing in the  
10 state, representing the acreage in the district for which title or evidence  
11 of title of record is held by each, and shall be filed with the secretary of  
12 the board. If the board of directors determines that not less than fifty-one  
13 per cent of the total acreage of the district is represented by the signers  
14 of the petition, the board may adopt a resolution changing the manner of  
15 voting in the district from an individual and personal ballot system to an  
16 acreage system of voting, and thereafter all elections within the district  
17 shall be held and conducted on the acreage system provided by this article.

18 B. FOR A DISTRICT IN A COUNTY WITH A POPULATION OF MORE THAN TWO  
19 MILLION PERSONS:

20 1. IF MORE THAN FIFTY PER CENT OF THE TOTAL ACREAGE OF THE DISTRICT IS  
21 USED FOR OTHER THAN AGRICULTURAL PURPOSES, AS DETERMINED BY THE BOARD OF  
22 DIRECTORS, THE BOARD MAY ADOPT BY RESOLUTION AN ACREAGE SYSTEM OF VOTING.  
23 THE RESOLUTION SHALL DECLARE THAT BONA FIDE OWNERS OF LAND IN THE DISTRICT,  
24 INCLUDING OWNERS OF LAND NOT USED FOR AGRICULTURAL PURPOSES WHO WOULD  
25 OTHERWISE QUALIFY AS ELECTORS PURSUANT TO SECTION 48-3043, ARE ENTITLED TO  
26 VOTE UNDER THE ACREAGE SYSTEM FOR EACH OFFICE AND ON EACH QUESTION AS  
27 PROVIDED BY THIS ARTICLE.

28 2. THE BOARD OF DIRECTORS OF A DISTRICT THAT CURRENTLY OPERATES UNDER  
29 THE ACREAGE SYSTEM OF VOTING MAY PROVIDE THAT BONA FIDE OWNERS OF LAND IN THE  
30 DISTRICT, INCLUDING OWNERS OF LAND NOT USED FOR AGRICULTURAL PURPOSES WHO  
31 WOULD OTHERWISE QUALIFY AS ELECTORS PURSUANT TO SECTION 48-3043, ARE ENTITLED  
32 TO VOTE UNDER THE ACREAGE SYSTEM FOR EACH OFFICE AND ON EACH QUESTION AS  
33 PROVIDED BY THIS ARTICLE.

34 Sec. 2. Section 48-3043, Arizona Revised Statutes, is amended to read:

35 48-3043. Qualifications of electors

36 A. In the acreage system of voting every bona fide owner of land  
37 within the district holding title or evidence of title of record, including  
38 entrymen upon public lands under the public land laws of the United States or  
39 a certificate of purchase from the state, who has held such title for ninety  
40 days and who is a resident of the state, shall be an elector of the district  
41 and, UNLESS OTHERWISE PROVIDED BY SUBSECTION E, IS entitled to one vote on  
42 each question submitted and to one vote for each office to be filled for each  
43 acre of land OWNED in the district ~~owned by him~~, but not exceeding MORE THAN  
44 one thousand two hundred eighty votes. When the holder of record title is a  
45 married person, only the spouse in whose name the title stands may vote at

1 such election. If record title is held in more than one name, each owner  
2 otherwise possessing the qualifications of an elector may vote the number or  
3 fractions of acres represented by ~~his~~ THE legal interest or proportionate  
4 share of and in the lands.

5 B. The administrator or executor of a deceased person, and the  
6 guardian of a minor or an incompetent person, appointed and qualified under  
7 the laws of the state, may represent and cast the vote of the person or  
8 estate ~~which he represents~~. An officer of a corporation designated and  
9 authorized by a resolution of the board of directors of the corporation may  
10 represent and cast the vote of the corporation.

11 C. The general partner of a partnership in whose name title to  
12 property within the district is vested as a holder of title or evidence of  
13 title, who is designated and authorized in writing by all of the general  
14 partners, may register and cast the vote of the partnership.

15 D. The trustee of a trust, and the trustee who is designated and  
16 authorized in writing by all of the trustees of a trust in which there are  
17 more than one trustee, in whose name title to property within the district is  
18 vested as a holder of title or evidence of title, may register and cast the  
19 vote of the trust.

20 E. FOR A DISTRICT IN A COUNTY WITH A POPULATION OF MORE THAN TWO  
21 MILLION PERSONS, UNDER AN ACREAGE SYSTEM OF VOTING THE BOARD OF DIRECTORS MAY  
22 DETERMINE BY RESOLUTION THAT EACH QUALIFIED ELECTOR OF THE DISTRICT IS  
23 ENTITLED TO THE NUMBER OF VOTES OR FRACTIONAL VOTES EQUAL TO THE NUMBER OF  
24 ACRES OR FRACTIONAL ACRES, ROUNDED TO THE NEXT ONE-TENTH ACRE, OWNED BY THAT  
25 OWNER, BUT NOT MORE THAN ONE THOUSAND TWO HUNDRED EIGHTY VOTES.

APPROVED BY THE GOVERNOR APRIL 20, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2007.